

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Cardional Anna Vines Carter,	:	
	:	
Plaintiff	:	Civil Action 2:12-cv-00928
	:	
v.	:	Judge Sargus
	:	
Mt. Carmel Hospital ICU-CCU, <i>et al.</i> ,	:	Magistrate Judge Abel
	:	
Defendants	:	

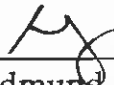
ORDER

Plaintiff Cardional Anna Vines Carter brings this action alleging that she received inadequate and improper medical treatment at Mt. Carmel Hospital. This matter is before the Court on Magistrate Judge Abel's October 11, 2012 Initial Screening Report and Recommendation recommending that the complaint be dismissed because it fails to plead facts establishing federal jurisdiction over her Ohio law claims (doc. 3). No objections were filed to the Report and Recommendation.

Federal courts are courts of limited jurisdiction. They do not have subject matter jurisdiction to hear a claim unless Congress has passed a law giving it jurisdiction over the claim. Although the complaint asserts federal jurisdiction under 28 U.S.C. §§ 1331 and 1343, it does not point to a federal statute that would give rise to a cause of action, nor does it plead fact that would support a federal claim for relief. Here, the complaint essentially alleges negligence or, possibly, medical malpractice claims under Ohio law. No federal law claims are pleaded. All the named defendants are private actors, so the

complaint fails to state a claim under 42 U.S.C. § 1983. *Lugar v. Edmonson Oil*, 457 U.S. 922 50, 102 S.Ct. 2744, 73 L.Ed. 2d 482 (1982).

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Initial Screening Report and Recommendation (doc. 3). This action is hereby DISMISSED.

 12-20-2012

Edmund A. Sargus, Jr.
United States District Judge